

EXHIBIT

UNITED STATES DISTRICT COURT

Eastern District of Massachusetts

BETTE J. RIVARD, as Administratrix
of the Estate of JOHN A. HORTON

Plaintiff,

V.

DARTMOUTH HOUSE OF CORRECTION,
BRISTOL COUNTY, JOHN DOE, RICHARD
ROE, Bristol County Corrections
Employees the identity and number
of who is presently unknown to
the Plaintiff

CASE NUMBER:

Defendants

04-cv-12058-WGY

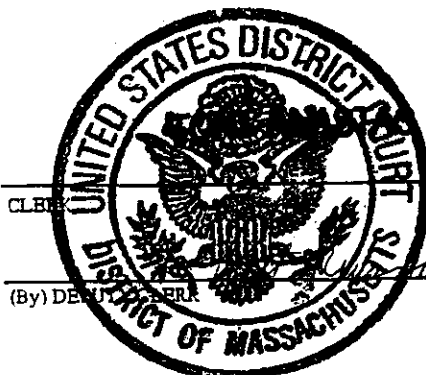
TO: (Name and address of Defendant)

Dartmouth House of Correction
400 Faunce Corner Road
North Dartmouth, MA 02747
Francis Haddocks, Superintendent

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert M. Proulx
Proulx Law Associates, P.C.
170 High Street, Suite 301
Taunton, MA 02780-3536

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



DATE

9-24-04
A TRUE ATTESTED COPY

BRISTOL COUNTY CLERK

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BETTE J. RIVARD, as Administrator of the Estate of
JOHN A. HORTON

(b) County of Residence of First Listed Plaintiff: BRISTOL COUNTY
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Hroulx Law Associates, P.C.
170 High Street, Suite 301
Taunton, Massachusetts 02780-3536
Phone: 508.823.6441
Facsimile: 508.823.6443

DEFENDANTS

DARTMOUTH HOUSE OF CORRECTION, BRISTOL COUNTY,
JOHN DOE, RICHARD ROE Bristol County Corrections Employees
the identity and number of whom is presently unknown to the Plaintiff

County of Residence of First Listed Defendant: Bristol

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

COPY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 195 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fed. Detention Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. § 1983 Wrongful death for failing to provide medical treatment to incarcerated prisoner.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$2,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

04 CV 12058 WGY

JS 44 Reverse (Rev. 12/96)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 SEP 24 P 2:08
U.S. DISTRICT COURT
DISTRICT OF MASS.

BETTE J. RIVARD, as Administratrix of
the Estate of JOHN A. HORTON

Plaintiff,

vs.

DARTMOUTH HOUSE OF
CORRECTION, BRISTOL COUNTY,
JOHN DOE, RICHARD ROE Bristol
County Corrections Employees the identity
and number of whom is presently unknown
to the Plaintiff

Defendants

Civil Action No.:

COMPLAINT AND
DEMAND FOR JURY TRIAL

04 CV 12058 WGY

I. PRELIMINARY STATEMENT

Plaintiff by her attorneys, ~~Proulx Law Associates, P.C.~~, for her complaint, respectfully allege:

1. This is an action for money damages arising under the Civil Rights Act of 1871, as amended, 42 U.S.C. § 1983, et seq., to Recover:
 - a. for 42 U.S.C. § 1983 Wrongful Death and the Massachusetts wrongful death statute;
 - b. for monetary damages as a result of the wrongful death of John A. Horton;
 - c. for failure to provide medical treatment on numerous occasions is the "deliberate indifference" to Mr. Horton's serious medical needs as defined by 42 U.S.C. § 1983;
 - d. for great conscious pain and suffering that Mr. Horton was forced to endure before his death;
 - e. for the loss of consortium of Mr. Horton's family members;
 - f. for punitive monetary damages as a result of the wrongful death of John A. Horton;
 - g. for monetary damages as a result of the negligent, arbitrary and capricious assessment of Mr. Horton's medical treatment and or condition;

COMPLAINT AND DEMAND FOR JURY TRIAL

Page -1- of -8-

- h. for monetary damages as a result of the harassment and civil rights violations;
 - i. Such other and further relief as this Court may deem necessary and appropriate.
- 2. The Plaintiff, Bette J. Rivard brings this civil rights action against the above named Defendants to recover damages for violation of John A. Horton's civil rights under the Eighth Amendment to the United States Constitution and under the laws of the Commonwealth of Massachusetts.
- 3. It is alleged that Defendant corrections employee(s)/officer(s) denied John A. Horton necessary medical attention.
- 4. It is alleged that John A. Horton was pronounced dead on or about September 29th, 2002.¹
- 5. It is alleged that John A. Horton died from subacute encephalitis.²
- 6. It is alleged that Bristol County is liable for the actions of its' corrections employee(s)/officer(s) as the County maintained policies or customs of deliberate indifference to the rights of citizens by failing to properly investigate allegations of misconduct by corrections employee(s)/officer(s), by failing to properly supervise corrections employee(s)/officer(s), and failing to properly train employee(s)/officer(s) and supervisors.
- 7. It is alleged that John A. Horton's illness remained untreated for a significant period of time prior to his death while he was incarcerated in The Dartmouth House of Correction.
- 8. It is alleged that John A. Horton made repeated requests for medical attention and each of his requests for treatment were denied.

Frank Law
Associates, P.C.
Attorneys at Law
170 High Street, Suite 301
Taunton, MA 02780-3536
(508) 823-6441

¹ See copy of death certificate. Attached hereto and made part hereof as EXHIBIT A

² See copy of autopsy report. Attached hereto and made part hereof as EXHIBIT B.

9. It is alleged that Dartmouth House of Corrections' employee(s)/officer(s) denied Mr. Horton medical treatment necessary to save his life.
10. It is alleged that medical treatment would have saved John Horton's life.
11. It is alleged that the denial of the necessary medical treatment for Mr. Horton's illness was the direct and proximate result of the said acts of the Defendants.
12. The Dartmouth House of Correction, Bristol County and various Bristol County Corrections employee(s)/officer(s) are liable for the actions of its' corrections employee(s)/officer(s) as the Commonwealth, Bristol County and Bristol County corrections department maintained policies or customs of deliberate indifference to the rights of inmates by failing to provide medical care, failing to properly investigate allegations of misconduct by corrections employee(s)/officer(s), failing to properly supervise corrections employee(s)/officer(s), and failing to properly train corrections employee(s)/officer(s) and supervisors.

II. JURISDICTION

13. This action is brought pursuant to 42 U.S.C. § 1983 and 1988. Jurisdiction is established by 42 U.S.C. §§ 1331 and 1343. Plaintiff invokes the pendant jurisdiction of this Court to hear a state civil rights claim.

III. PARTIES

14. John A. Horton was at all material times a resident of the City of Taunton, Bristol County, Massachusetts.
15. The Plaintiff, Bette J. Rivard, is the Administratrix of the estate of John A. Horton. Letters of Administration were granted to her by the Taunton Probate Court on or about 09/23/2004. She is a resident of the City of Taunton, Bristol County, Massachusetts.
16. Defendant Dartmouth House of Correction was at all times material to this complaint a duly established corrections facility within the Commonwealth of Massachusetts and Bristol County.

**Frank Law
Associates, P.C.
Attorneys at Law**
170 High Street, Suite 301
Taunton, MA 02780-3536

(508) 823-6441

17. Defendant employee corrections employee(s)/officer(s) were at all times material to this complaint duly appointed and acting member(s) of the Dartmouth House of Correction.
18. Defendant corrections employee(s)/officer(s) were at all times material to this complaint duly appointed and acting member(s) of the Bristol County Corrections Department.
19. Defendant Bristol County is a municipality duly incorporated under the laws of the Commonwealth of Massachusetts.
20. At all times material to this complaint the Defendants acted under color of law, to wit: under color of the statutes, ordinances, regulations, policies, customs, and usages of the Commonwealth of Massachusetts and/or Bristol County and the Bristol County Department of Corrections.

IV. FACTS

21. In or about July of 2002, John A. Horton began complaining that he was in need of medical treatment.
22. John A. Horton made several requests for medical treatment filing the necessary requests both orally and in writing.
23. Each request that Mr. Horton made for medical treatment prior to his death was denied.
24. The denial of medical treatment and deliberate indifference to the serious medical needs of Mr. Horton amounts to cruel and unusual punishment causing the unnecessary and wanton infliction of pain to Mr. Horton.
25. John A. Horton died on 09/29/2002.
26. The cause of death on the autopsy report is listed as "subacute encephylitis".³

**Franklin
Associates, P.C.**
Attorneys at Law
170 High Street, Suite 301
Taunton, MA 02780-3336

(508) 823-6441

³ See copy of autopsy report. Attached hereto and made part hereof as EXHIBIT B.
COMPLAINT AND DEMAND FOR JURY TRIAL

27. As a direct and proximate result of the said acts of the Defendants John A. Horton suffered the following injuries and damages:

- a. Violation of his Constitutional rights under the Eighth Amendment to the United States Constitution against cruel and unusual punishment;
- b. Loss of his life;
- c. Physical pain and suffering and emotional trauma and suffering.

28. Plaintiff Bette J. Rivard suffered the untimely end of her relationship with her son, with the corresponding loss of his income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel and advice, and was forced to incur funeral and burial expenses.

29. The actions of the Defendants violated the following clearly established and well settled federal constitutional rights of John A. Horton:

- a. The imposition of cruel and unusual punishment.

COUNT I

VIOLATION OF 42 U.S.C. § 1983-WRONGFUL DEATH

30. Paragraphs 1 through 29 of this complaint are incorporated herein by reference as though fully set forth.

31. Plaintiff Bette J. Rivard claims damages for the wrongful death of John A. Horton and for her loss of his income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel and advice, and for funeral and burial expenses under 42 U.S.C. § 1983 and the Massachusetts Wrongful Death Statute.

COUNT II

42 U.S.C. § 1983-SURVIVAL ACTION

32. Paragraphs 1 through 31 are incorporated herein by reference as though fully set forth.

33. John A. Horton was forced to endure great conscious pain and suffering, and to be attended by physicians and to incur expenses for such medical treatment, before his death.

34. John A. Horton filed no action during his lifetime, but under the laws of the Commonwealth of Massachusetts this action survives and may be asserted by his Estate.

35. Plaintiff Bette J. Rivard claims damages for the conscious pain and suffering and necessary medical and burial expenses incurred by John A. Horton, under 42 U.S.C. § 1983.

COUNT III

42 U.S.C. 1983 MUNICIPAL LIABILITY OF DEFENDANTS

DARTMOUTH HOUSE OF CORRECTION, BRISTOL COUNTY AND IT'S EMPLOYEES

36. Paragraphs 1 through 35 are incorporated herein by reference as though fully set forth.

37. Prior to September 29th, 2002, Defendant Dartmouth House of Correction and Bristol County developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in the Dartmouth House of Correction which caused the deprivation of John A. Horton's constitutional rights.

38. It was the policy or custom of the Dartmouth House of Correction and Bristol County to inadequately and improperly investigate citizen/inmate complaints and complaints of employee(s)/officer(s) misconduct.

39. The Defendants Dartmouth House of Correction and Bristol County had a policy or custom of failing to properly supervise employee(s)/officer(s).

40. The Defendants Dartmouth House of Correction and Bristol County was grossly negligent to the point of deliberate indifference to citizen's rights in failing to supervise and discipline employee(s)/officer(s) such as the Defendants for their misconduct so as to deter such conduct.

**Frank Law
Associates, P.C.
Attorneys at Law**
170 High Street, Suite 301
Taunton, MA 02780-3536
(508) 823-6441

41. The Defendants Dartmouth House of Correction and Bristol County were grossly negligent the point of exhibiting deliberate indifference to well established constitutional rights of John A. Horton when through the above-described policies, if foreseeable caused the Defendant(s) to believe that his acts of misconduct, as alleged above, would not be investigated and would be tolerated.

42. The above policies and customs of the Defendants Dartmouth House of Correction and Bristol County were the moving force behind the acts of the Defendants as described above and caused John A. Horton's injuries as described above.

COUNT IV
MASSACHUSETTS WRONGFUL DEATH STATUTE,
M.G.L. c. 229 § 2 AGAINST ALL DEFENDANTS.

43. Paragraphs 1 through 42 are incorporated herein by reference as though fully set forth.

44. The acts and omissions of the Dartmouth House of Correction and Bristol County as aforesaid, violated John A. Horton's civil rights as provided for in M.G.L. c. 229 by failing to provide necessary medical treatment that would have saved John Horton's life.

45. As a direct and proximate result of the violations of M.G.L. c. 229 § 2, the Plaintiff suffered the injuries and damages described above.

WHEREFORE, the Plaintiff requests that this Court:

- a. Award compensatory damages against the Defendants;
- b. Award punitive damages against Defendants;
- c. Award the costs of this action, including attorney's fees, to the Plaintiff; and
- d. Award such other and further relief as this Court may deem necessary and appropriate.

Dated this the 24th day of September, 2004.

PLAINTIFF,
By her Attorney,

Braux Law
Associates, P.C.
Attorneys at Law
170 High Street, Suite 301
Taunton, MA 02780-3536
(508) 823-6441



Robert M. Proulx, Esquire
Proulx Law Associates, P.C.
Attorneys at Law
170 High Street, Suite 301
Taunton, Massachusetts 02780-3536
Phone: (508) 823-6441
Fax: (508) 823-6443
BBO# 640653

THE PLAINTIFF DEMANDS A TRIAL BY JURY IN THE DISTRICT COURT.

Dated this the 24th day of September, 2004.

PLAINTIFF,
By her Attorney,



Robert M. Proulx, Esquire
Proulx Law Associates, P.C.
Attorneys at Law
170 High Street, Suite 301
Taunton, Massachusetts 02780-3536
Phone: (508) 823-6441
Fax: (508) 823-6443
BBO# 640653

**Proulx Law
Associates, P.C.**
Attorneys at Law
170 High Street, Suite 301
Taunton, MA 02780-3536

(508) 823-6441